

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNAVIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

83531-231

First Named Inventor: Arturo MariaArt Unit: 2136Application Number: 09/580,689Examiner: Carl G. ColinFiled: March 30, 2000

Title:

FLOATING INTRUSION DETECTION PLATFORMS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity – fee \$ 540 (37 CFR 1.17(l)). **Paid January 27, 2009**

2. Reply and/or fee

- A The reply and/or fee to the above-noted Office action in the form of
Amendment (identify the type of reply):
- ☒ has been filed previously on June 19, 2008
Telephone Interview with Examiner Colin September 12, 2008
- ☐ is enclosed herewith.
- B The issue fee of \$ 1440
- ☒ has been filed previously on Issue Fee Paid January 27, 2009
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Michael J. Donohue, Reg. #35,859/

May 13, 2009

Signature

Date

Michael J. Donohue

35859

Typed or printed name

Registration Number, if applicable

DAVIS WRIGHT TREMAINE LLP

(206) 757-8029

Address

Telephone Number

1201 Third Avenue, Suite 2200, Seattle, WA 98101-3045

Address

Enclosure ☐ Fee Payment **Petition Fee and Issue Fee Paid January 27, 2009**

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Attorney Docket Report (2 pages)

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ ~~transmitted by facsimile~~ on the date shown below to the United States Patent and Trademark Office at ~~(571) 273-8300~~. **Filed Electronically**

May 13, 2009

/Michael J. Donohue, Reg. #35,859/

Date

Signature

Michael J. Donohue

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

/Michael J. Donohue, Reg. #35,859/

May 13, 2009

Signature

Date

Michael J. Donohue

35859

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

We could not pay the issue fee because we did not receive the Notice of Allowance. After filing an Amendment (after non-final rejection) on June 19, 2008, a telephone interview was held with Examiner Colin on September 12, 2008. I discussed claim amendments with Examiner Colin that the Examiner felt should place the claims in condition for allowance. Neither the Examiner's Amendment nor the Notice of Allowance was ever received from the Patent Office. After the telephone communication with the Examiner on September 12, 2008, the applicant's attorney had no reason to believe that correspondence from the U.S.P.T.O. would not be received in the normal course of business. A Revocation/Substitute Power of Attorney and change of Correspondence Address had been filed in 2007. A Notice of Acceptance of Power of Attorney was sent to the correct correspondence address on July 2, 2007.

No communication was received from the Patent Office until the Notice of Abandonment was found and downloaded by applicant's representative during a cursory status check on Private Pair. Although the correct correspondence address is shown on the Notice of Allowance and the Notice of Abandonment, neither document was received by our office.

I am the attorney of record in this case. The Office Communication was not received at the correspondence address of record at the time of mailing. The docketing system used by our firm is sufficiently reliable in that docket entries include application number, attorney docket number, mailing date of the Office Action, and the due date for the response. When we received the Notice of Abandonment, a search of the file jacket and docket records was performed and indicated that the Office Communication was not received. The response to the issue fee payment would have been due on December 22, 2008. A copy of the docket report for that date is included for consideration by the Office of Petitions. The docket report includes all docketed items with due dates on December 22, 2008. The issue fee payment in the presently abandoned application is not on the docket report. The applicant's attorney has redacted certain portions of non-published applications to protect the confidentiality of other clients. However, no information related to the present application is in the docket report and no information related to the present application has been redacted. The applicant requests reconsideration of the Petition and reinstatement of the pending application.

(Please attach additional sheets if additional space is needed.)

Due Date Indicator	Action Due Action Type	Client Matter No/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
22-Dec-2008	1st Extension	0049321-000076-000001	Published	10/276,491	20-Feb-2003	DAVIB
Due Date	US-3 Month Office Action	United States of America	Oregon Health & Sciences University			
	<i>Title:</i> INDUCTION OF APOPTOSIS AND CELL GROWTH INHIBITION BY PROTEIN 4.33			<i>Client. Ref.:</i> 490		OLNEJ

22-Dec-2008	Response Due	0055382-000089-000001	Published	06758989.5	03-May-2006	JEP(R)
Final	Notice of Loss of Rights	European Patent Convention	Illumigen Biosciences, Inc.			JEP(W)
	<i>Title:</i> MUTATIONS IN OAS1 GENES			<i>Client. Ref.:</i> C097-02 EP		LEIBM

22-Dec-2008	2 Month Due Date	0064355-000014-000001 / 01	Published	10/193,352	11-Jul-2002	GCR(R)
Due Date	US-Final Office Action	United States of America	IBEAM Systems, Inc			COLBH
	<i>Title:</i> SYSTEM AND METHOD FOR PROVIDING TO MULTIPLE USER COMPUTERS CONCURRENT TELEPHONIC ACCESS TO MULTIPLE REMOTE DEVICES			<i>Client. Ref.:</i>		LEIBM

22-Dec-2008	Response Due (in Mailing Prd)	0067789-000796-000001	Published	05853294.6	08-Dec-2005	LEVYS
Due Date	EP - RESPOND TO OFFICIAL ACTION	European Patent Convention	Cedars-Sinai Medical Center			
	<i>Title:</i> METHOD FOR DIAGNOSIS AND TREATMENT OF CROHN'S DISEASE			<i>Client. Ref.:</i>		

22-Dec-2008	1st Extension	0067789-001193-000001	Pending		09-Sep-2008	LEVYS
Due Date	US-Missing Parts	United States of America				AVAKP
	<i>Title:</i> MASS SPECTROMETRY SYSTEMS			<i>Client. Ref.:</i>		

22-Dec-2008	Application Status Check	0068243-000058-000001	Published	11/767,187	22-Jun-2007	LEVYS
Due Date		United States of America	California Institute of Technology			
	<i>Title:</i> DYNAMIC MOTION CONTRAST AND TRANSVERSE FLOW ESTIMATION USING OPTICAL COHERENCE TOMOGRAPHY			<i>Client. Ref.:</i>		

22-Dec-2008	2nd Extension	0069007-000007-000001	Abandoned		16-Aug-2007	LEVYS
Due Date	US-3 Month Office Action	United States of America				
	<i>Title:</i> USE OF LEPTIN IN WOUND HEALING			<i>Client. Ref.:</i>		

Monday, March 30, 2009

Due Date List By Date

22-Dec-2008 To 22-Dec-2008

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Due Date Indicator	Action Due Action Type	Client Matter No/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Attys
22-Dec-2008 Due Date	Docs rec'd from client? Power of Attorney Forms <i>Title: MENINGEAL-DERIVED STEM CELLS</i>	0082428-000003-000001 United States of America	Published Dr. Roy Ogle	11/843,455	22-Aug-2007	LEVYS TRUOL
22-Dec-2008 Due Date	2nd Extension US-3 Month Office Action <i>Title: METHOD OF DELIVERING A TREATMENT SUBSTANCE TO A TARGET SUBSTANCE IN A TREATMENT ZONE</i>	0082946-000001-000001 United States of America	Published Thomas, David G. and David Reynolds	11/609,264	11-Dec-2006	GCR(R) GCR(W) LEIBM
22-Dec-2008 Final	IDS off Foreign SR/OA in EP US-Foreign Srch Rpt/OA rec'd <i>Title: COMBINATIONS OF TUMOR-ASSOCIATED ANTIGENS IN COMPOSITIONS FOR VARIOUS TYPES OF CANCERS</i>	0088480-049US0 United States of America	Pending	[REDACTED]	29-Dec-2005	DCH SRG
22-Dec-2008 Due Date	Resp to Final Office Action US-Final Office Action <i>Title: TN5 TRANSPOSASE-MEDIATED TRANSGENESIS</i>	0088523-026US0 United States of America	Pending	[REDACTED]	11-May-2005	DCH SRG KWL

Client. Ref.:

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